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SENATE

{ REPORT  
107-313

### PROVIDING FOR THE DISTRIBUTION OF JUDGMENT FUNDS TO THE ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION

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OCTOBER 15, 2002.—Ordered to be printed

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Mr. INOUE, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany S. 3059]

The Committee on Indian Affairs, to which was referred the bill (S. 3059) to provide for the distribution of judgment funds to the Assiniboiné and Sioux Tribes of the Fort Peck Reservation, having considered the same, reports favorably therein without amendment and recommends that the bill do pass.

#### PURPOSE

The purpose of S. 3059 is to authorize the use and distribution of a United States Court of Claims judgment award in the amount of \$4,522,551.84 to the Assiniboiné and Sioux Tribes and certain individual members of the Fort Peck Reservation in northeastern Montana.

#### BACKGROUND

In 1987, the Assiniboiné and Sioux Tribes and individual members of the Fort Peck Reservation brought suit against the United States to recover interest earned on their trust funds while those funds were held in Special Deposit and Indian Money Proceeds of Labor Agency accounts (IMPL-agency accounts). The case was filed in the United States Claims Court, and docketed as No. 773-87-L.

The Claims Court ruled that the United States was liable to the Fort Peck Tribes and individual Indians for income derived from investment of trust funds and interest on those funds during the period for which the funds were held in special deposit and IMPL-agency accounts. The Tribes and the United States agreed to settle

the claims in the case for the amount of \$4,522,551.84. The Claims Court approved the settlement agreement and judgment amount.

The settlement agreement further provided that the judgment be divided between the Fort Peck Tribes and those individual Indians who are found to be eligible to share in the judgment. On January 3, 2001, the court approved a stipulation between the parties that defined the procedures by which the respective shares of the Fort Peck Tribes and individual Indians in the judgment would be determined and distributed.

On February 14, 2001, pursuant to the court-approved stipulation in the case, a portion of the Tribes' share of the judgment was deposited into an account in the United States Treasury for the use of the Fort Peck Tribes. As provided by the stipulation, those funds are to be available for immediate use by the Tribes pursuant to a plan adopted under the Indian Tribal Judgment Funds Use or Distribution Act, 25 U.S.C. § 1401 et seq. The court-approved stipulation further recognized that the Tribes will most likely receive additional payments from the settlement once all individuals eligible to share in the judgment are identified and the pro rata shares are finally computed. Those funds, too, are to be available for use by the Tribes in accordance with a plan adopted under the Tribal Judgment Funds Use or Distribution Act.

As required by the stipulation and the Tribal Judgment Funds Use or Distribution Act, the Tribes developed a plan for the use of the Tribes' share of the settlement. Under the plan, the Tribes' share of the judgment will be used for tribal health, education, housing and social services programs.

The Tribes submitted their plan to the Department of the Interior for review and approval. Public hearings were held to hear the views and recommendations of Tribal members regarding the plan. The Tribal Judgment Funds Use or Distribution Act imposes a one-year deadline on the Department of the Interior to approve the plan. The Tribes have been advised that the Department of Interior has no objection to the Tribes' plan and can approve it. However, although the plan was developed and a public hearing was held during 2001, the Interior Department did not complete its review of the plan within the one-year deadline. As a result, in order for the Fort Peck Tribes to make use of the judgment awarded to the Tribes, it is necessary for Congress to formally adopt legislation approving the Tribe's plan. The provisions of S. 3059 would serve this purpose.

#### LEGISLATIVE HISTORY

S. 3059 was introduced on October 4, 2002 by Senator Max Baucus and was referred to the Committee on Indian Affairs.

#### COMMITTEE RECOMMENDATION AND TABULATION OF THE VOTE

On October 8, 2002, the Committee on Indian Affairs, through a polling of its members, approved and ordered S. 3059 to be reported favorably to the United States Senate.

#### COST AND BUDGETARY CONSIDERATIONS

At the time of filing this report, the cost estimate of the Congressional Budget Office on S. 3059 has not yet been received. Compli-

ance with Senate Rule XXVI, paragraph 11(a) is therefore impracticable at this time.

#### SECTION-BY-SECTION ANALYSIS OF S. 3059

##### *Section 1. Short title*

The Act may be cited as the “Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2002.”

##### *Section 2. Findings and purpose*

Section 2 sets forth congressional findings including that in 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and five individual Fort Peck tribal members filed a complaint in the United States Claims Court in Assiniboine and Sioux Tribes of the Fort Peck Reservation v. the United States of America, Docket No. 773–87–L to recover interest earned on trust funds while those funds were held in special deposit and IMPL-agency accounts.

In this case, the Claims Court held that the United States was liable for any income derived from investment of the trust funds of the Tribe and individual members of the Tribe. The plaintiffs entered into a settlement with the United States for payment of the claims. The terms of the settlement were approved by the Court and judgment in the amount of \$4,522,551.81 was entered.

##### *Section 3. Definitions*

Terms defined in this section include “Distribution Amount,” “Judgment Amount,” “Principal Indebtedness,” and “Tribe.”

##### *Section 4. Distribution of judgment funds*

Section 4 describes how the distribution amount awarded to the Tribe shall be made available for tribal health, education, housing and social services programs of the Tribe and the amount of funds allocated among these uses shall be specified in an annual budget developed by the Tribe and approved by the Secretary of the Interior.

##### *Section 5. Applicable law*

Section 5 provides that all funds distributed under this act, except those distributed under Section 4 are subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act.

#### REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill evaluate the regulatory paperwork impact that would be incurred in carrying out this bill. The Committee believes that S. 3059 will have minimal regulatory or paperwork impact.

#### EXECUTIVE COMMUNICATIONS

The position of the Administration on S. 3059 has not been received.

CHANGES IN EXISTING LAW

In compliance subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that S. 3059 will not effect any changes in existing law.

